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Docket No.: 20140-00281
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE UNITED STATES BOARD
OF PATENT APPEALS & INTERFERENCES

Application No.: 09/819,787

Group Art Unit: 1765

Filing Date: March 28, 2001

Examiner: Shamim Ahmed

Appellants: Chamberlin, et al.

REPLY BRIEF UNDER 37 CFR 41.41

Attention: Board of Patent Appeals and Interferences
Commissioner for Patents
P. O. Box 1450
Arlington, Virginia 22313-1450

Dear Sir:

This is a REPLY BRIEF to the Examiner's Answer dated September 17, 2004. Attached as Appendix (X)(Related Proceedings Appendix) is a copy of the Board's decision dated August 31, 2004 in parent application USSN 09/122,015. The rejections under 35 U.S.C. §102 were reversed by the Board. It should also be noted that on page 8, lines 18-22, the Board in affirming the Examiner's rejections under 35 U.S.C. §103 relied upon the fact that the claims did not recite "the capability of the claimed slurry to polish metal and silicon dioxide at substantially the same rates."


On the other hand, the present claims on Appeal explicitly state "for polishing both metal and dielectric material at substantially the same polishing rate."

It seems apparent from the Board's decision in USSN 09/122,015 that the above recitation when in the claims must be given serious consideration. When so viewed, even a rejection under 35 U.S.C. §103 cannot be maintained. (No such rejection is present in this case).

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication including any extension fees to Deposit Account No. 05-0510.

Dated: 11-16-07
26637

Respectfully submitted,

By 
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